

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David Chao

Serial No.: 10/037,687

Filed: January 3, 2002

For: CONTAINERS WITH ADDITIONAL
FUNCTIONALITY



: Group Art Unit: 3728

: Examiner: Jila M. Mohandesi

: Attorney Docket No.: 62188.015202

**RESPONSE TO NOVEMBER 18, 2003 "NOTICE OF
NON-COMPLIANT AMENDMENT"**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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DEC 30 2003
TECHNOLOGY CENTER R3700

Dear Sir:

INTRODUCTORY COMMENTS:

This Response is filed in reply to the "Notice of Non-Compliant Amendment" (hereinafter the "Notice") issued by the U.S. Patent and Trademark Office on November 18, 2003 in connection with the above-identified patent application. The November 18, 2003 Notice provided a period of 1 month in which to file a response, i.e., by December 18, 2003. Accordingly, this Response is being timely filed.

REMARKS:

The November 18, 2003 Notice states that the Amendment filed on November 3, 2003 is considered non-compliant because the "Amendments To The Claims" section does not include a complete listing of all claims.

In this regard, it is respectfully submitted that the Amendment filed on November 3, 2003 (a copy of which is attached hereto as Exhibit "A") is not, in fact, non-compliant.

More particularly, it is noted that as of the mailing date of the May 30, 2003 Office Action (to which the November 3, 2003 Amendment responded) the present application included five pending claims (i.e., claims 13-17).

Further, page 2 of the November 3, 2003 Amendment (containing the "Amendments To The Claims" section) included a listing of all five pending claims (i.e., a listing of the amended text of claims 13, 14 and 16 and a status identifier associated with each of claims 15 and 17 indicating that these two claims were cancelled).

Thus, it is believed that the Amendment filed on November 3, 2003 is not, in fact, non-compliant.

Nevertheless, in order to expedite prosecution of the present application, applicant submits herewith (as Exhibit "B") a replacement "Amendments To The Claims" section which specifically includes the heading "Listing Of Claims".

Accordingly, it is respectfully submitted that the issue raised in the November 18, 2003 Notice has been addressed and overcome.

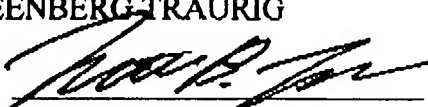
Favorable action on the merits is earnestly solicited.

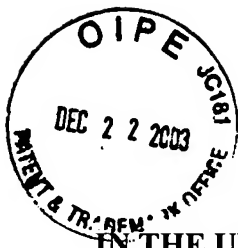
Dated: December 12, 2003

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Respectfully submitted,
GREENBERG TRAURIG

By:


Matthew B. Tropper
Registration No. 37,457



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APPLICANT: David Chao
SERIAL NO.: 10/037,687
FILING DATE: January 3, 2002
ATTNY. DOCKET: 62188.015202
TITLE: **CONTAINERS WITH ADDITIONAL FUNCTIONALITY**

REGULAR MAIL CERTIFICATE

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Date of Deposit: December 12, 2003

I hereby certify that the following attached paper(s) and/or fee

- (1) A Response to Non-Compliant Amendment of 11/18/03 ;
- (2) A self-addressed stamped postcard, return of which is requested to acknowledge receipt of the enclosed documents

are being deposited with the United States Postal Service Regular Mail Post Office to Addressee service under 37 C.F.R. Section 1.10 on the date indicated above and is addressed to Mail Stop Non-Fee Amendment; Commissioner for Patents, P.O. Box 1450; Alexandria, VA 22313-1450.

Respectfully submitted,
GREENBERG TRAURIG, LLP.

Randi Flamenbaum
Legal Assistant

Dated: December 12, 2003

CORRESPONDENCE:

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